



HEWITT &
SALVATORE *pllc*

www.hewittsalvatore.com

Attorneys at Law

204 N. Court Street
Fayetteville, WV 25840

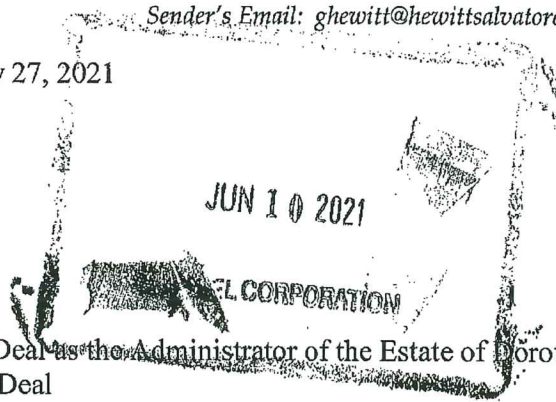
GREG A. HEWITT
ANTHONY M. SALVATORE

(304) 574-0272
(304) 574-0273 fax

Sender's Email: ghewitt@hewittsalvatore.com

May 27, 2021

CorVel Corporation
Erin Kobernus
P.O. Box 16688.
Tampa, FL 33687



RE: My client: Robin Mitchel Deal as the Administrator of the Estate of Dorothy
Frances Jordan Deal
Claim No.: 1319-GL-19-0500880
Your Insured: Outback Steakhouse
DOL: May 25, 2019

Dear Ms. Kobernus:

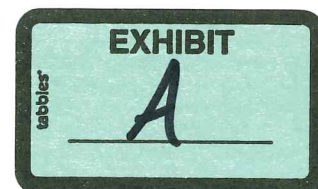
Attached please find Dorothy Deal's medical records and bills, in the amount of \$249,182.45 regarding her injuries sustained in the incident which occurred on May 25, 2019.

I have also enclosed a courtesy copy of the Complaint filed regarding her claim.

Truly yours,

Greg A. Hewitt

GAH/srk
Enclosures



Dorothy Deal

DOL: 5/25/19

| <i>Date</i> | <i>Medical Provider</i> | <i>Amount</i> |
|--------------------------|--|---------------|
| 5/25/19 thru 12/12/19 | Raleigh General Hospital | 201,131.94 |
| 5/29/19 thru 12/11/19 | Healthcare Alliance | 13,168.00 |
| 5/25/19 thru 12/16/19 | Raleigh Radiology | 1,700.00 |
| 5/27/19 thru 1/13/20 | WV OT | 5,012.04 |
| 6/2/19 thru | Access Health/Community Health Systems | 662.00 |
| 9/13/19 thru 9/17/19 | Athletic and Physical Therapy | 420.00 |
| 9/27/19 | ARH (OPS) | 27,088.47 |
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| | Total | 249,182.45 |



West Virginia E-Filing Notice

CC-41-2021-C-148

Judge: Harry Kirkpatrick

To: Gregory Hewitt
ghewitt@hewittsalvatore.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

Robin Mitchel Deal v. Outback Steakhouse West Virginia, Inc.

CC-41-2021-C-148

The following complaint was FILED on 5/24/2021 12:04:26 PM

Notice Date: 5/24/2021 12:04:26 PM

Paul H. Flanagan
CLERK OF THE CIRCUIT COURT
Raleigh County
222 Main Street
BECKLEY, WV 25801

(304) 255-9135
Paul.Flanagan@courtsww.gov

COVER SHEET

E-FILED | 5/24/2021 12:04 PM
CC-41-2021-C-148
Raleigh County Circuit Clerk
Paul H. Flanagan

GENERAL INFORMATION

IN THE CIRCUIT COURT OF RALEIGH COUNTY WEST VIRGINIA

Robin Mitchel Deal v. Outback Steakhouse West Virginia, Inc.

First Plaintiff:

☐ Business ☒ Individual
☐ Government ☐ Other

First Defendant:

☒ Business ☐ Individual
☐ Government ☐ Other

Judge:

Harry Kirkpatrick

COMPLAINT INFORMATION

Case Type: Civil

Complaint Type: Tort

Origin:

☒ Initial Filing ☐ Appeal from Municipal Court ☐ Appeal from Magistrate Court

Jury Trial Requested:

☒ Yes ☐ No

Case will be ready for trial by: 11/7/2021

Mediation Requested:

☐ Yes ☒ No

Substantial Hardship Requested: ☐ Yes ☒ No

☐ Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Interpreter or other auxiliary aid for the hearing impaired
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☐ Other: _____

☐ I am proceeding without an attorney

☒ I have an attorney: Gregory Hewitt, 204 N Court St, Fayetteville, WV 25840

SERVED PARTIES

Name: Outback Steakhouse West Virginia, Inc.

Address: Corporate Creations Network, Inc. 126 East Burke Street, Martinsburg WV 25401

Days to Answer: 30 **Type of Service:** Secretary of State - Certified - Including Copy Fee

E-FILED | 5/24/2021 12:04 PM
CC-41-2021-C-148
Raleigh County Circuit Clerk
Paul H. Flanagan

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

ROBIN MITCHEL DEAL
as the Administrator of the Estate
of DOROTHY DEAL,

PLAINTIFF,

V.

CIVIL ACTION NO. 21-C-_____

OUTBACK STEAKHOUSE
WEST VIRGINIA, INC.

DEFENDANT.

COMPLAINT

1. The Plaintiff, Robin Mitchel Deal as the Administrator of the Estate of Dorothy Deal, resides in Texas. (See Exhibit A, Letters Testamentary)

2. The Defendant, Outback Steakhouse West Virginia, Inc. (hereinafter "Outback") was operating a business in Beckley, Raleigh County, West Virginia on May 25, 2019.

3. On May 25, 2019, Dorothy Deal entered the establishment of the Defendant located at Beckley, Raleigh County, West Virginia.

4. The Defendant owed her a duty of care.

5. While dining at the Defendant's establishment, she slipped and fell breaking her femur and otherwise was injured. The floor was wet at the time of the fall.

6. At the time of the fall, the appropriate signs and other warnings were not in place.

7. The acts of the Defendant constitutes a breach of duty owed to Dorothy Deal. Further, the Defendant knew, or should have known of, the existence of the unsafe condition.

8. As a direct and proximate result of the acts of the Defendant as aforesaid, Dorothy Deal incurred medical bills, suffered serious and permanent injuries and has otherwise been harmed.

WHEREFORE, the Plaintiff prays for judgment against the Defendant for compensatory damages in such an amount as justified by the evidence.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

PLAINTIFF

BY COUNSEL

/s/ Greg A. Hewitt

Greg A. Hewitt (WVSB 7457)

HEWITT & SALVATORE, PLLC

204 North Court Street

Fayetteville, WV 25840

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Raleigh County Circuit Clerk
Paul H. Flanagan

THE STATE OF TEXAS

COUNTY OF NUECES



NUECES COUNTY, TEXAS

LETTERS TESTAMENTARY

I, ANNE LORENTZEN, clerk of the County Courts at Law of Nueces County, Texas, do hereby certify that on the 18th day of August, 2020

ROBIN MITCHEL DEAL

was duly granted by said Court Letters Testamentary of the

Estate of DOROTHY FRANCES JORDAN DEAL, Deceased

and that he qualified as Independent Executor of the estate on the 18th day of August, 2020 as the law requires and that said appointment is still in full force and effect.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT at office in Corpus Christi, Nueces County, Texas, this the 19th day of August, 2020.



Anne Lorentzen, District Clerk
Nueces County, Texas
901 Leopard Street, Room 313
Corpus Christi, Texas 78401

BY *Claudia Pullin*, DEPUTY
CLAUDIA PULLIN

Exh. A